

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 134188 WO (1285-164P)	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/US05/07145	International filing date (day/month/year) 03 March 2005 (03.03.2005)	Priority date (day/month/year) 03 March 2004 (03.03.2004)
International Patent Classification (IPC) or national classification and IPC IPC: H04N 7/10, 7/025 USPC: 725/38, 59		
Applicant PACKETVIDEO NETWORK SOLUTIONS, INC.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 03 November 2005 (03.11.2005)	Date of completion of this report 01 December 2006 (01.12.2006)	
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Hunter Lonsberry Telephone No. (571) 272-7298	

Form PCT/IPEA/409 (cover sheet)(April 2005)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US05/07145

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☒ the description:  
pages 1-23 as originally filed/furnished  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☒ the claims:  
pages 17-22 as originally filed/furnished  
pages\* NONE as amended (together with any statement) under Article 19  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☒ the drawings:  
pages 1-9 as originally filed/furnished  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US05/07145**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>1-24</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>8, 16 and 24</u>	YES
	Claims <u>1-7, 9-15, and 17-23</u>	NO
Industrial Applicability (IA)	Claims <u>1-24</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and Explanations (Rule 70.7)**

Claims 1-24 lack an inventive step under PCT Article 33(3) as being obvious over U.S. Patent 6,441,832 to Tao in view of U.S. Patent Application 2003/0236905 to Choi.

Regarding claims 1, 9, and 17, Tao discloses a method for retrieving digital multimedia content from a network node comprising: generating a message to said network node by a client application executing on a digital multimedia device, said message containing at least one of a multidimensional pointer to a depository of digital multimedia content associated with said network node and a timing parameter operable to indicate when said message is to take effect (figures 11-13, column 9, line 7-column 10, line 67) transferring digital multimedia content by said network node from a particular content source identified by said multidimensional pointer, said transferring commencing at a time indicated responsive to said timing parameter (column 15, lines 30-58).

Tao fails to disclose transferring content to the digital multimedia device.

Choi discloses a digital multimedia device, which is RTSP enabled, which requests content from a server device and transmits it to the user (paragraphs 30-58), thus providing content to a user on demand.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tao to utilize the RTSP protocol, client device and on demand features of Choi, for the advantage of providing video on demand features to a user thus allowing the user to view content at any time they desire.

Regarding claims 2-3, 10-11, and 18-19 Tao is relied upon to teach a multidimensional pointer (column 15, lines 30-58).

Choi is relied upon to teach the use of an RTSP playlist\_play (paragraphs 50-55).

Regarding claims 4, 12 and 20, Choi teaches the use of a URL for the server side playlist (page 12).

Regarding claims 5, 13 and 21, Tao teaches in figure 13, the use of a playlist, which identifies the clip, the source identifier and time offset identifier.

Choi teaches the use of a URL for the server side playlist (page 12).

Regarding claims 6, 14 and 22 Tao teaches that a CATV network may be used (figure 1, column 3, lines 27-36).

Regarding claims 7, 15, and 23, Tao teaches that the use of a CD player (figure 13).

----- NEW CITATIONS -----